

It was alleged in the libel that the product purported to be pure creamery butter, whereas, in truth and in fact, the said product was not pure butter and was adulterated within the meaning of the act aforesaid, in that a substance, to wit, water, had been mixed and packed with the so-called butter so as to reduce and lower and injuriously affect the quality and strength thereof, and for the further reason that the product had been mixed in a manner whereby damage and inferiority were concealed. It was further alleged in the libel that the containers of the butter did not bear any statement or declaration that the product contained an excessive amount of water, when in fact it was shipped as and purported to be pure creamery butter and was therefore misbranded within the meaning of the act aforesaid, in that product was an imitation of and was offered for sale under the distinctive name of an article, to wit, pure creamery butter, other than what it really was.

On March 17, 1914, William Richman, claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution and delivery of a good and sufficient bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3388. Adulteration and misbranding of jelly. U. S. v. 100 Cases of a Product Purporting to be Pure Grape Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5590. I. S. No. 3368-h. S. No. 2115.)

On or about February 13, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, more or less, each containing 2 dozen packages of a product purporting to be grape jelly, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about January 6, 1914, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled: "Two Dozen Tumblers Warfield Brand Pure Grape Jellies, Seeman Brothers, Distributors, New York." The packages in the cases were each labeled: "Warfield Pure Grape Jelly, Seeman Bros., Wholesale Distributors, N. Y. Contents 9 oz."

Adulteration of the product was alleged in the libel for the reason that it had mixed with it an applied [apple] product, so as to reduce and lower and injuriously affect its quality and strength; and, further, said product contained a substance which had been substituted in part for the article represented as pure grape jelly. Misbranding was alleged for the reason that said product was labeled, "Pure Grape Jelly," in that said product consisted in large part of an apple product and was offered for sale under the distinctive name of another article.

On March 4, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*